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No. 70

## House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. PRICE of Georgia).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

May 24, 2005.

I hereby appoint the Honorable TOM PRICE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

### MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

### FUND CLEAN-UPS FOR CLOSED MILITARY BASES

Mr. BLUMENAUER. Mr. Speaker, this week, with the consideration of the defense authorization legislation and the military quality of life appropriation, Congress should deal with the hidden issue behind base closure: The toxic legacy of unexploded bombs and hazardous pollution left behind on our military bases.

This is part of a much larger problem. The Defense Science Board has re-

ported that unexploded bombs contaminate an area bigger than the States of Maryland, and Massachusetts combined.

One out of ten Americans live within 10 miles of a former or current military site that contains hazardous waste identified for clean-up under the Federal Super Fund programs. Indeed, 34 bases shut down since 1988 are still on the EPA Super Fund lists of worst toxic waste sites.

Ten of these sites have groundwater mitigation contaminants that are not fully under control. One of the worst examples that comes to mind is the Massachusetts Military Reservation, a source of perchlorate, a toxic chemical, has contaminated 70 percent of Cape Cod's water supply, and more than 1,000 unexploded bombs have been discovered, some less than a half a mile from an elementary school.

Former military installations with unexploded bombs are located in hundreds of communities across the country. And this has serious consequences. The most tragic example was an unexploded bomb that killed two 8-year-old boys and injured a 12-year-old friend while they were playing in their San Diego neighborhood, the site of the former 32,000 acre Camp Elliot, used as a training site during World War II.

In Texas, South Carolina, California, Colorado, Massachusetts, and even here in Washington D.C., developers have built residential and business projects on land that has not been fully cleared of unexploded bombs.

Since I have been in Congress, three times fire fighters have had to be pulled out of the woods, in Alaska, Texas and Colorado, because the heat from the forest fire was detonating bombs.

Now, closed military bases can present significant opportunities for community assets. The former Lowry Air Force Base in Denver has generated an estimated \$4 billion in economic activity for that region.

With careful planning, the facility made the successful transition to civilian use, including 4,500 new homes and more than a square acre of park land, two community colleges and other schools.

Glenview, Illinois, which lost its Naval Air Station in 1993, is another example that is now home to office space, retail stores, residences, golf course, park land and a train station. That has created 5,000 jobs and put another \$1.5 billion into that local economy.

Yet the reality for communities facing BRAC now, according to the GAO, is that more than a quarter of the bases previously closed have not been cleaned up and transferred. And the main impediment is the bombs and chemical pollution.

Mr. Speaker, it is time for Congress to no longer be missing in action. When we look at like Fort Ord, closed in 1991, and after a decade of redevelopment only 25 percent of its transformation plan has been completed, in large measure because it has not been able to deal with the clean-up of the site.

So far the Army has cleared just 5 percent of the base's firing range. And they have already unearthed 8,000 live shells, in a job at this rate that could take 20 years.

Our communities deserve better. It is time for us in Congress to no longer be missing in action. We should do two things this week. First we should not pass the defense authorization bill without amending it to require that the military plan and budget to clean up the military bases that it has already closed, before starting a new round of BRAC.

Second, in the military quality of life bill, we should allocate funds to clean up unexploded bombs and dangerous pollution. To clean up the unexploded bombs just in the 1988 round would cost \$69 million, clearly within our capacity. Indeed, I would argue that we

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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ought to allocate the full \$626 million to clean up all of the unexploded bombs and dangerous pollution in these sites.

We have an obligation to make sure that we follow through on the pledges to these commitments for the military to clean up after itself, and it is Congress's job to make sure it happens.

#### AGREEMENT ON JUDICIAL FILIBUSTERS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, the Republican quest for absolute power in Washington was temporarily halted by 14 Senators last night. A truly bipartisan group of Senators, 7 Democrats and 7 Republicans came together to save the Senate from moving forward with an extreme power grab that would have undermined the very checks and balances that have existed in our Nation for over 200 years.

Senator FRIST and the Senate Republican leadership were prepared to wage an unprecedented political power grab. They wanted to change the rules in the middle of the game and wanted to attack our historic system of checks and balances so they could ram through a small number of judicial nominees who otherwise could not achieve a consensus.

In reality, the power grab that the Senate Republican leadership was prepared to move ahead with today had very little to do with these seven extreme nominees. Instead, it was all an attempt by the White House and conservative interests groups to clear the way for a Supreme Court nominee who would only need 51 votes rather than 60.

Conservative interest groups and a large majority of Senate Republicans are not happy with the current make up of the Supreme Court. They do not want to see another David Souter or Anthony Kennedy nominated to the Supreme Court, even though they both were confirmed with nearly unanimous bipartisan support.

They prefer to see President Bush nominate a Supreme Court justice like Clarence Thomas, who because of extreme views could not garner strong bipartisan support. In Thomas's case he only received 52 votes, and has proven to be an extremist. If the Senate had proceeded with this extreme power grab, President Bush would have been able to appoint extreme right wing judges to the Supreme Court.

The president has already said that he most admires Justices Scalia and Thomas. How frightening to think of another Justice from that same mold.

Mr. Speaker, at the end of the day a group of 14 bipartisan Senators kept the Senate Republican leadership from moving forward with the extreme power grab. The bipartisan compromise

was reached last night and shows that President Bush is not going to be able to ignore the moderate views of these Senators when he appoints future justices of the Supreme Court.

And that is good news for our Nation. There was simply no reason for the Senate to take the extreme measure of eliminating the minority's right for input on judicial nominees. In fact, the White House has manufactured the so-called judicial crisis.

Over the past 4 years, the Senate has confirmed 208 of his judicial nominations and turned back only 10. And that is a 95 percent confirmation rate, higher than any other president in modern time, including Presidents Reagan, Bush and Clinton.

In fact, it is thanks to these confirmations that President Bush now presides over the lowest court vacancy rate in 15 years. Now, Mr. Speaker, despite what Senate Republicans are saying today, judicial nominees have not always received an up or down vote on the Senate floor. In fact, back in 2000, it was Senate Republicans that attempted to filibuster two of President Clinton's appointments to the 9th Circuit Court.

Senator FRIST, the architect of the power grab voted to continue a filibuster of Clinton nominee, Richard Paez. There are also other ways Senators can prevent a nominee from receiving an up or down vote on the floor. Judicial nominees can and have been stalled in the Senate Judiciary Committee. More than one-third of President Clinton's appeals court nominees never received an up or down vote on the floor because Senator, HATCH, then the chairman of the Judiciary Committee refused to bring the nominees names up for a vote in the committee.

It is extremely disingenuous of Senator FRIST to say that all nominees are entitled to an up or down vote, when he himself helped Senate Republicans block President Clinton's nominees in the late 1990s. You did not hear Senator FRIST demanding an up or down vote then.

Now, the bipartisan agreement reached last night will keep two of the President's extreme nominees from moving forward. And I would hope the President would learn from last night's action that unlike the House, the Senate is not a chamber that is going to rubber stamp his extreme views.

Let us hope that President Bush was listening and will resist nominating extreme judges to our courts in future.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 13 minutes a.m.), the House stood in recess until 10 a.m.

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#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KLINE) at 10 a.m.

#### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, friend of all, but especially the poor and the alienated, the widow and the orphan, You are not only the foundation of faith, but the model of generosity for Your people.

Out of Your goodness we are created. Out of Your love we are sustained. Out of Your hope for us You give us freedom. Help us personally to grow in Your image and likeness.

May this Nation, under the leadership of this Congress, grow also in responsible freedom and generous service to those most in need of protection, diligent attention, and steady encouragement.

We will never fail to meet our responsibilities, Lord, if we are truly dedicated to You, the Most High, and give to others as You have given to us, if we live with grateful and generous hearts today, now and forever. Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from New York (Mrs. MALONEY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MALONEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 188. An act to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program.

The message also announced that pursuant to section 1928a-1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Member as Acting Vice Chairman to the NATO Parliamentary Assembly for the spring meeting in Ljubljana, Slovenia, May 2005:

the Senator from Vermont (Mr. LEAHY).